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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,218	11/27/2001	John S. Wronski JR.	F-421	9211

7590

02/11/2003

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EXAMINER

FELTEN, DANIEL S

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 02/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
**09/995,218**Applicant(s)  
**Wronski**Examiner  
**Daniel Felten**Art Unit  
**3624**

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (e). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Nov 27, 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2 & 3 6) ☐ Other:

## DETAILED ACTION

### *Information Disclosure Statement*

1. The prior art cited within the Information Disclosure Statement filed November 27, 2001 under Paper No. 2 has been considered. Additionally, the prior art cited within the Information Disclosure Statement filed January 21, 2003 has also been considered.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1, 8, 16 and 18, the applicant discloses the limitation of, "...a plurality of authorization parameters *potentially* available for use calculating an authorization code..." The word *potentially* is ambiguous and indefinite because it can be defined as, "having the capability of being but not yet in existence". It is not understood whether the applicant includes authorization parameters in the calculation of an authorization code, or not. It is not

1 from the claim, in lieu of the specification, which authorization parameters are available for  
2 use (if used at all), and which are not. It is not understood from the claim(s) at what time(s) (or  
3 sequence(s)) certain authorization parameters will be made to calculate the authorization code.  
4 However, for the sake of examination purposes, and in light of the specification, the examiner  
5 has taken the liberty to interpret the limitation as definite. Meaning, the examiner has  
6 interpreted the limitation to mean that the authorization parameters (as cited in the  
7 specification) *are* indeed available for use in calculating an authorization code.

8  
9  
10 ***Claim Rejections - 35 USC § 103***

11 4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all  
12 obviousness rejections set forth in this Office action:

13 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in  
14 section 102 of this title, if the differences between the subject matter sought to be patented and the prior art  
15 are such that the subject matter as a whole would have been obvious at the time the invention was made to a  
16 person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be  
17 negated by the manner in which the invention was made.

18  
19 5. Claims 1-14 and 18-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over  
20 Foladare et al (hereinafter "Foladare", US 5,914,472) in view of Lawlor et al (hereinafter  
21 "Lawlor", US 5,220, 501).

22  
23 Foladare discloses all the limitations of the claimed invention including a method and/or  
24 system for authorization purchases by an account, the owner wanting to purchase an item from  
25 a merchant (see Foladare, Abstract), the method and/or system comprising:

1           having means and providing a plurality of authorization parameters (*e.g. spending*  
2   *limits*) available for use in calculating an authorization code associated with a transaction to  
3   purchase the item (see Foldare, col. 2, ll. 16 to col. 3, ll. 53);

4           having means and defining a selected subset of the plurality of authorization parameters  
5   (see Foldare, col. 2, ll. 65 to col. 3, ll. 22);

6           having means and establishing respective authorization parameter data for each of the  
7   selected authorization parameters (see Foldare, col. 3, ll. 30-33);

8           having means and calculating the authorization code corresponding to the established  
9   respective authorization parameter data (see Foldare, col. 2, ll. 16 to col. 3, ll. 53);

10          having means and providing authorization code to the owner (*parent*) (see Foldare, col.  
11   2, ll. 16 to col. 3, ll. 53);

12          having means and receiving the authorization code and transaction data from the  
13   merchant (see Foldare, col. 2, ll. 16 to col. 3, ll. 53);

14          having means and calculating a confirmation authorization from the transaction data  
15   corresponding to the established respective authorization parameter data (see Foldare, col. 2,  
16   ll. 16 to col. 3, ll. 53); and

17          having means and comparing the authorization code with the confirmation authorization  
18   to determine whether or not to approve the transaction (see Foldare, col. 2, ll. 16 to col. 3, ll.  
19   53).

20          Foldare fails to disclose that the owner's account is established with a bank. Lawlor  
21   discloses the use of a debit card which is connected to the user's bank account (see Lawlor, at  
22   least Abstract). Since Foldare's invention uses credit cards/debit cards to make various  
23   transactions, it would have been obvious for an artisan of ordinary skill in the art at the time of

1 the invention to integrate the teachings of a debit card associated with a bank account, as taught  
2 by Lawlor, because an artisan at the time of the invention would have been familiar with the  
3 notoriously old and well known check card, which essentially is a debit card, that is associated  
4 with a checking account at bank. The check card replaces a paper check when making  
5 purchases from merchants. An artisan at the time of the invention of Foldare would have  
6 sought to use such a card, being a widely used and well known in the art, for the convenience  
7 of direct payment for goods and services rather than being billed for later. Thus such a  
8 modification would have been an obvious expedient well within the ordinary skill in the art.

9  
10  
11 *Conclusion*  
12

13 6. A list of relevant prior art appears below not relied upon in this Office Action:

14 **US Patents:**

15 Blinn et al (US 5,897,622) discloses an electronic shopping and merchandising system

16 Braun (US 3,594,727) discloses a credit card banking system

17 Brody et al (US 5,350,906) discloses a currency transfer system and method using fixed limit  
18 cards

19 Foladare et al (US 5,914,472) discloses a credit card spending authorization control system

20 Lawlor et al (US 5,220,501) discloses a method and system for remote delivery of retail banking  
21 services

22 Nakano et al (US 5,845,260) discloses a system and method for parent- controlled charging for  
23 on-line services

1 7. Any inquiry concerning this communication or earlier communications from the examiner  
2 should be directed to **Daniel S. Felten** whose telephone number is (703) 305-0724. The  
3 examiner can normally be reached between the hours of 7:00AM to 5:30PM Monday-Thursday.  
4 Any inquiry of a general nature relating to the status of this application or its proceedings should  
5 be directed to the Customer Service Office (703) 306-5631, or the examiner's supervisor  
6 **Vincent Millin** whose telephone number is (703) 308-1065.

7  
8 8. Response to this action should be mailed to:

9  
10 Commissioner of Patents and Trademarks

11 Washington, D.C. 20231

12  
13 for formal communications intended for entry, or (703) 305-0040, for informal or draft  
14 communications, please label "Proposed" or "Draft".

15 Communications via Internet e-mail regarding this application, other than those under 35  
16 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be  
17 addressed to *[daniel.felten@uspto.gov]*.

18  
19 All Internet e-mail communications will be made of record in the application file. PTO  
20 employees do not engage in Internet communications where there exists a possibility that  
21 sensitive information could be identified or exchanged unless the record includes a properly  
22  
23  
24  
25

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Applicant(s): Wronski (705/44) Page 7

Art Unit: 3624

Representative: Chaclas (39,134)


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1 signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly  
2 set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and  
3 Trademark on February 25, 1997 at 1 195 OG 89.

4  
5 

6 DSF

7 February 5, 2003

  
VINCENT MILLIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600